

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated : This the 5th day of June, 1998

BEFORE

THE HON'BLE MR. JUSTICE KUMAR RAJARATNAM

WRIT PETITION NO.5313 OF 1996

BETWEEN :

M.Jayaramaiah,
son of Muniswamappa, major,
r/o Begahalli village,
Jigani Post, Anekal Taluk,
Bangalore Urban District.

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PETITIONER

(By Sri K.N.Subba Reddy,
Advocate)

AND

1. Deputy Registrar of
Co-operative Societies,
Bangalore Urban District,
Bangalore.

2. The Primary Co-operative
Agricultural and Rural
Development Bank, Anekal,
Bangalore City District,
By its Secretary.

RESPONDENTS

(W.P.dismissed against R-1;
R-2 - served)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to quash Annexure-B dated 14.2.96 passed by R-2 and to direct the respondents to hold the election of Board of Directors of the primary co-op. Agricultural and Rural Development Bank, Anekal,

Bangalore City District and hold the election of president and vice-president of the said bank.

The petition coming on for preliminary hearing in B-Group this day, the Court made the following :-

O R D E R

The writ petition is taken up with the consent of parties.

2. The writ petition against the 1st respondent-the Deputy Registrar of Co-operative Societies has been dismissed for non-prosecution. Only the 2nd respondent remains.

3. The 2nd respondent is the Primary Co-operative Agricultural and Rural Development Bank, Anekal registered under the Co-operative Societies Act. The prayer in the writ petition is to quash the meeting notice dated 14.2.1996.

4. This writ petition cannot survive for consideration in view of the fact that the petition has been dismissed as against

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the State. Reliance is placed on the Judgment of this Court in the case of Bharathi -vs- Registrar of Co-op. Societies and others reported in 1989 (3) KAR.L.J. page 622. This Court held that writ of mandamus cannot be maintained against a co-operative society since a co-operative society is not a State within the meaning of Article 12. In that view of the matter, the writ petition does not survive for consideration. The writ petition is dismissed. No costs.



Sd/-
JUDGE

SJ.